

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHWESTERN DIVISION**

UTOPIAN WIRELESS CORPORATION)

Plaintiff,)

v.)

Case No.: 3:24-cv-01644-HNJ

KENNETH D. KITTS, in his official)

Capacity as President of the University of)

North Alabama; and WILLIAM A. TRAPP,)

in his official capacity as President of the)

University of North Alabama Board of)

Trustees,)

Defendants.)

**UTOPIAN WIRELESS CORPORATION’S UNOPPOSED MOTION
FOR EXTENSION OF TIME**

Plaintiff Utopian Wireless Corporation (“Utopian”) respectfully moves this Court for an extension of time to respond to the Motion to Dismiss submitted by Defendants Kenneth D. Kitts (“Kitts”) and William A. Trapp (“Trapp”). In support of this Motion, Utopian states as follows:

1. Defendants, after consultation with Utopian’s counsel, do not oppose this motion.
2. Utopian filed its Complaint against Defendants on November 26, 2024. [Doc. 1].
3. On December 12, 2024, the Court entered an Order granting Defendants’ motion requesting additional time to respond to Utopian’s Complaint until January 24, 2025. [Doc. 7]. Utopian did not oppose Defendants’ request.

4. On January 24, 2025, Defendants filed a Motion to Dismiss [Doc. 13] and a supporting brief [Doc. 14]. Defendants raise arguments based on sovereign immunity, contract law and statute of limitations.

5. On January 24, 2025, the Court entered an Order requiring Utopian to respond to the Motion to Dismiss within fourteen (14) days and for Defendants to submit any reply within seven (7) days thereafter. [Doc. 15].

6. Utopian's counsel requests a modest amount of additional time (two weeks) to prepare a response to the multiple arguments raised by Defendants in their Motion to Dismiss.

7. Utopian proposes that Defendants receive a commensurate amount of additional time (one week) to submit any reply.

8. The requested extension will not unduly delay this case or prejudice any party.

WHEREFORE, Utopian respectfully requests that the Court enter an Order as follows:

- a) Allowing Utopian two (2) additional weeks (until February 21, 2025) to respond to Defendants' Motion to Dismiss;
- b) Allowing Defendants to submit any reply within fourteen (14) days thereafter.

Dated: January 27, 2025

Respectfully submitted,

/s/Vincent J. Graffeo

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Counsel for Plaintiff Utopian Wireless Corporation

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document electronically filed with the Clerk of Court using the CM/ECF system, mail and/or email on this the 27th day of January, 2025:

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/s/Vincent J. Graffeo